

REMARKS

This Amendment is filed in response to the final Official Action of December 1, 2006 and concurrently with a Request for Continued Examination (RCE). Prior to this amendment, the application had Claims 1-12 and 14-50 pending, with all of the claims being rejected. Specifically, Claims 1-5, 7, 8, 11, 12, 14-21, and 23-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,716,103 to Eck *et al.* (“*Eck*”). Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Eck*. Claims 6, 22, 32, and 46-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Eck* in view of U.S. Patent No. 6,430,624 to Jamtgaard *et al.* (“*Jamtgaard*”). By this Amendment, Claims 1, 16, 31, 43, and 46 are amended, and no claims are added or canceled, such that Claims 1-12 and 14-50 remain pending. Reconsideration of the present application is respectfully requested in light of the preceding amendments and the following remarks.

Before discussing the substance of the present Amendment, Applicant would like to thank the Examiner for extending the courtesy of a telephone interview to Applicant’s representative. This telephone interview was conducted on January 17, 2007.¹

Prior to the present Amendment, independent Claim 1 (*i.e.*, “previously presented Claim 1”) read as follows (underlining added for reference only):

1. A system for enhancing communication on a wireless network using predefined messages, comprising:
a service platform . . . comprising:
... providing means for providing along with the transmitted certain content at least one content-related predefined message to the user of the at least one wireless terminal based upon the certain content . . .”

Previously presented independent Claims 16, 31, 43, and 46, contain similar references to the provision of a “content-related predefined message.”

The outstanding Official Action rejected previously presented independent Claim 1, as well as independent Claims 16, 31, and 43, as being anticipated by *Eck*. In using *Eck* to reject

¹ The substance of the telephone interview is addressed below.

Claim 1, the Official Action appears to cite² the following portions of *Eck* as anticipating at least the underlined portion of Claim 1:

From Column 9, Lines 27-59 (emphasis added by Examiner)

A pager-equipped portable game machine may include (but is not limited to) the following features:

- a plug-in two-way pager,
- sending and receiving of alphanumeric pages,
- sending and receiving of e-mail messages,
- receive broadcasts such as news broadcasts,
- allow playing of pager-compatible games (e.g., network games),
- provide real time clock and calendar,
- play mini-games,
- creation of personal persona and
- playing of conventional games.

In accordance with one example, pager cartridge 100 provides a two-way paging device that has the ability to receive messages from other users in the paging system as well as from the paging system operator. The pagers in the system are individually and collectively addressable to and from standard telephones, PC-Internet, facsimile machines and other pagers. Messages from the paging system operator may be sent to all users in the paging system, to certain groups of users in the paging system or to a particular user in the paging system. The system operator messages may be transmitted during off-peak messaging hours (such as night-time) when air time and bandwidth are less of a transmission issue and more cost-effective. The system operator messages may include by way of example, but not limitation, mini-games, special game levels sample games, game tips and hints, system operator information, general game news advertising, and promotional information. Other messages may include e-mail, stock price quotations, sports scores, news updates and customer-requested information (e.g., top movies of the week, top songs of the week).

From Column 16, Line 41 to Column 18, Line 4 (as paraphrased by Examiner)

“[*Eck*] discloses a predefined message that is player selectable, and may be sent to other terminal users at the discretion of the player.”

It appears that none of the cited passages of *Eck* disclose providing means for providing, along with transmitted certain content, at least one content-related predefined message to a user

² See pp. 3-4 of the December 1, 2006 Official Action.

of a wireless terminal based upon the certain content, as recited in previously presented Claim 1. As defined in the Background section of the present application, “[p]redefined messages are . . . electronic messages whose contents are predefined and stored in a database of other file of messages for sending any number of times.” *Eck* discusses the use of a library of predefined message components that may be utilized in forming messages, but these message components are unrelated to any content being received by a user. Alternatively, *Eck* discloses the creation and transmission to users of messages including, *e.g.*, “game hints.” While it is not clear that such messages are “provided along with transmitted content,” nor that such messages are “content-related,” even so we have identified nothing in *Eck* to suggest that such messages are predefined, *i.e.*, created in advance and stored for later use. Overall, it appears that *Eck* does not disclose content-related predefined messages, as that phrase is used in Claim 1.

The above was discussed with the Examiner during the telephone interview of January 17, 2007. During the interview, the Examiner expressed concern regarding the potential breadth of the term “content-related, predefined message” as used in previously presented Claim 1.³ However, the Examiner did appear to agree that the specific system example provided in the response to the Official Action of December 6, 2004, via which a user may listen with a cellular telephone to a music station and be given the option to automatically recommend the song and station to a friend, appears to be technically distinct from *Eck*. As such, Claim 1 has been amended herein to clarify the scope of that claim, consistently with this specific example, while maintaining the recitation related to a “content-related predefined message.” Claims 16, 31, and 43 have been similarly amended to maintain their respective references to a “content-related predefined message.”

For at least the above reasons, Applicant respectfully submits that amended independent Claim 1, as well as each of the claims depending therefrom, is allowable over *Eck*. Further, by

³ It is noted that an Official Action of January 24, 2007 provided an Interview Summary characterizing the substance of the January 17, 2007 telephonic interview as follows: “Applicant expressed an intent to file claim amendments to narrow the scope of the claims . . . in order to overcome the prior art rejection . . .” However, this characterization appears to be somewhat inaccurate. During the interview, Applicant’s representative (who attended the interview on behalf of Applicant) expressed a belief that the claims, as they existed, were patentable over the cited references, but indicated that an attempt would be made to discern claim language that would assuage concerns on the part of the Examiner regarding the impact of broad interpretations of the phrase “content-related predefined message.”

analogy to Claim 1, Applicant respectfully asserts that independent Claims 16, 31, and 43, as well as the claims depending therefrom, are also allowable over *Eck*.

The outstanding Official Action rejected previously presented independent Claim 46 as being obvious in view of the combination of *Eck* and *Jamtgaard*. Amended Claim 46, like amended Claim 1, recites a “content-related predefined message,” and has been amended to clarify the scope of that phrase. As discussed above, *Eck* does not disclose content-related predefined messages, as that phrase is used in Claim 46. This deficiency is not rectified by *Jamtgaard*. *Jamtgaard* is directed to a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. *Jamtgaard* does not at any point disclose the existence or utilization of “content-related predefined messages” as recited in Claim 46. Indeed, *Jamtgaard* is not cited for this proposition by the Examiner.

For at least the reasons presented above, Applicant respectfully submits that Claim 46, as well as each of the claims depending therefrom, is patentable over *Eck* and *Jamtgaard*, taken either alone or in combination.

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that all of the claims in the present application are in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Richard D. Emery/

Richard D. Emery
Registration No. 58,894

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE
UNITED STATES PATENT & TRADEMARK OFFICE ON May 1, 2007 by Gwen Frickhoeffer.

LEGAL02/30349665v1